

REMARKS

Claims 1-23, 25, and 29-31 are pending in the present application. In the Office Action mailed December 31, 2007, the Examiner rejected claims 1-23, 25, and 29-31 as being based upon a defective reissue declaration under 35 U.S.C. 251.

Status of the Claims

Claims 1-23, 25, and 29-31 are currently pending in the present application. Claims 24 and 26-28 are cancelled. Claims 1-23, 25, and 29-31 were indicated as containing allowable subject matter. Such indication is appreciated.

Reissue Oath/Declarations

Both reissue oath/declarations filed with the present application were identified by the Examiner as being defective and claims 1-23, 25, and 29-31 were rejected under 35 U.S.C. §251. The Reissue Application Declaration by the Inventor was objected to by the Examiner for not containing a statement that the Applicant acknowledges the duty to disclose all information known to be material to patentability, as required by 37 CFR 1.63, and for failing to include a statement that all errors arose without any deceptive intention, as required by 37 CFR 1.175(a)(2). Applicant herein submits a new Reissue Declaration executed by the Inventor, using form PTO/SB/51.

Further, the Examiner objected to the Reissue Application Declaration by the Assignee as lacking the written consent of all assignees owning an undivided interest in the patent. Applicant herein submits a new form PTO/SB/52.

As such, Applicant believes the objection and the rejection of claims 1-23, 25, and 29-31 under 35 U.S.C. §251 are overcome.

Objection to the Amendments to the Claims

The Examiner also objected to the amendments to the claims filed on April 5, 2007 as being improper per 37 CFR 1.173(d), stating that deleted subject matter should be shown in brackets. Applicant has amended claims 13 and 15-20 to correct this deficiency and Applicant believes that the amended claims are now in correct form for reissue.

Conclusion

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests allowance of claims 1-23, 25, and 29-31.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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Dated: March 13, 2008
Attorney Docket No.: TER0400.010

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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.

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